

KIRBY McINERNEY & SQUIRE, LLP

TELEPHONE:(212) 371-6600

(212) 317-2300

FACSIMILE:(212) 751-2540

IRVING MALCHMAN, OF COUNSEL

VIA E-FILING

July 1, 2004

Clerk of the Court
United States District Court for the District of Massachusetts
Suite 2300
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, Massachusetts 02210

Re: *County of Suffolk v. Abbott Laboratories, Inc., et al.*
(MDL 1456)(E.D.N.Y. Case No. CV-030229)
No. 01-CV-12257-PBS

Dear Sir or Madam:

Per this Court's Order entered June 17, 2004 enclosed for filing in the above-captioned matter please find the status report for Suffolk County.

Sincerely,



Aaron Hovan

Enclosures

cc: All Parties

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

THIS DOCUMENT RELATES TO:

County of Suffolk v. Abbott Laboratories, Inc., et al.,
E.D.N.Y. Case No. CV-03-229

MDL NO. 1456

Civil Action No. 01-CV-12257- PBS

Judge Patti Saris

SUFFOLK COUNTY'S STATUS REPORT

The undersigned counsel for Suffolk County hereby submits the attached status report to the Court in accordance with the Court's June 17th Procedural Order.

Date: July 1, 2004
New York, New York

KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Joanne M. Cicala
Joanne M. Cicala
Aaron D. Hovan

830 Third Avenue
New York, New York 10022
(212) 371-6600

COUNSEL FOR THE COUNTY OF SUFFOLK

MDL 1456 Status Report

County of Suffolk v. Abbott Laboratories, Inc., et al. 03cv10643-PBS, E.D.N.Y.

- **Motion to Dismiss *sub judice***
 - Hearing on December 13, 2004
 - Amicus brief in opposition to defendants' motion to dismiss rebate claims on grounds of preemption filed by Secretary of Health and Human Services ("HHS") on March 18, 2004.
 - Defendants' response to HHS Amicus Brief filed April 9, 2004.
 - HHS Amicus Reply filed April 23, 2004.
 - Defendants' notice of supplemental authority filed June 14, 2004.
 - Suffolk County's response to defendants' notice of supplemental authority filed June 18, 2004
- **Motion respecting coordinated discovery**
 - Suffolk County's motion respecting coordinated discovery and the role of liaison counsel filed April 27, 2004.
 - Response of liaison counsel to Suffolk County's motion filed May 11, 2004.
 - Suffolk County's reply filed May 24, 2004.
 - Liaison counsel's sur-reply filed May 2, 2004.
 - Memorandum of Bristol-Myers Squibb Company in response to the motion of County of Suffolk addressing the role of liaison counsel for all plaintiffs, filed May 28, 2004.
 - Liaison counsel's response to Bristol Myers' unauthorized memorandum addressing the role of liaison counsel for all plaintiffs, filed May 28, 2004.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July 2004, I caused a true and correct copy of Suffolk County's Status Report to be served on all counsel of record by electronic service via Verilaw's Electronic Service System pursuant to Case Management Order No. 2 entered by the honorable Patti B. Saris in MDL No. 1456.

A handwritten signature in black ink, appearing to read 'A. D. Hovan', is written over a horizontal line.

Aaron D. Hovan
Kirby McInerney & Squire, LLP
830 Third Avenue, 10th Floor
New York, NY 10022
(212) 371-6600